

REMARKS

Claims 1-9, 12, 13 and 20-37 are pending. By this Amendment, claim 1 is amended and claims 10, 11 and 14-19 are canceled without prejudice to or disclaimer of the subject matter recited therein. The features of claim 11 have been placed into independent claim 1. Thus, no new matter is added by the above amendment.

This Amendment should be entered after final rejection because, as noted above, it merely places the features of a previous dependent claim (claim 11) into an independent claim (claim 1) and cancels other claims. Thus, no new issues are raised by this Amendment. In addition, the issue of new matter is not raised by this Amendment. The amendments are made in response to the new rejection set forth in the final Office Action, and thus could not have been made earlier.

Claims 1-37 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,154,295 to Fredlund et al. in view of U.S. Patent No. 6,636,837 to Nardoizzi et al. This rejection is moot with respect to canceled claims 10, 11 and 14-19, and this rejection is respectfully traversed with respect to the remaining claims.

The features of previous claim 11 have been placed into independent claim 1. Thus, independent claim 1 recites that the contents to be recorded by the recorder are embedded in the digital image data. This feature is not disclosed or suggested in Fredlund et al. or in Nardoizzi et al. In rejecting claim 11, the Office Action appears to refer to col. 4, lines 24-38 of Fredlund et al., which were referenced with respect to claim 10. However, col. 4, lines 24-38 of Fredlund et al. has nothing to do with embedding digital image data with the contents that are to be recorded by the recorder (that is, with respect to independent claim 1, the reception date of orders received from users and data identifying each user is recorded by the recorder). Thus, Fredlund et al. does not disclose or suggest this feature. Nardoizzi et al. also does not disclose or suggest this feature. As described in the specification at, for

example, page 12, line 34 - page 13, line 6 and in the surrounding text, this technique is highly efficient. See, for example, page 11, line 30 - page 13, line 6.

Applicant also respectfully disagrees with the Office Action's assertion that it would have been obvious to modify the Fredlund et al. system in view of Nardozzi et al. to result in the claim 1 "charge determiner that determines a print charge of the present print order by deducting a predetermined amount regardless of a content of the previous order if the checker finds in the record the previous order from the same user within the predetermined time."

The Office Action refers to col. 9, lines 18-52 of Nardozzi et al. in alleging that it would have been obvious to modify the Fredlund et al. system to result in the system of claim 1. Col. 9, lines 18-52 of Nardozzi et al. indicates that: (i) the display screen can be customized based on a previous user's past history (col. 9, lines 20-28); (ii) a discount coupon may be offered on a product offering (col. 9, lines 39 and 40), which, based upon the entire disclosure of Nardozzi et al., means that this "product offering" is something different from what the user has already purchased, and, in any event, the user does not receive any discount if the user does not purchase that "product offering"; and (iii) the customer can be encouraged to try goods and/or services that the customer usually does not purchase (col. 9, lines 43-50).

Nardozzi et al. does not disclose or suggest that the charge for the present print order will have a predetermined amount deducted from it if the order is made within a predetermined time period from a previous order. Thus, the claim 1 charge determiner would not have been obvious from the combination of Fredlund et al. and Nardozzi et al. The Office Action uses impermissible hindsight in asserting that the claim 1 charge determiner would have been suggested by the combination of Fredlund et al. and Nardozzi et al.

For at least these reasons, Applicant respectfully submits that independent claim 1 and its dependent claims are patentable over Fredlund et al. and Nardozzi et al.

With respect to independent claim 20, Applicant respectfully submits that the combination of Fredlund et al. and Nardozzi et al. does not disclose or suggest the claimed "checker that checks whether or not the user has previously ordered a print with the same laboratory system regardless of a content of the present print order..." and a "determiner that determines a print charge for the present print order based on an outcome of the check performed by the checker." As noted in Applicant's previous response, Fredlund et al. does not determine whether a user has previously ordered a print regardless of a content of the present print order, but merely relates to a system for re-ordering previously submitted prints. Although Nardozzi et al. determines whether a present user has previously used the system, the print charge for a present print order is not based on an outcome of that previous use. As noted above, Nardozzi et al. merely offers a discount coupon for a product offering or encourages a customer to try goods and/or services that the customer does not usually purchase. The print charge for the present print order is not necessarily affected by the fact that the user has previously used the system. Applicant respectfully submits that the Office Action uses impermissible hindsight when it alleges that the combination of features recited in independent claim 20 would have been obvious from the teachings of Fredlund et al. and Nardozzi et al.

Accordingly, Applicant respectfully submits that independent claim 20 and its dependent claims are patentable over Fredlund et al. and Nardozzi et al.

Applicant respectfully submits that independent claim 28 is patentable for at least the reasons set forth above with respect to independent claim 20. That is, the combination of Fredlund et al. and Nardozzi et al. does not disclose or suggest the claim 28 "checker" and "charge determiner." In addition, the system of Nardozzi et al. does not check "whether or not the user has previously ordered prints with the same service front." The Nardozzi et al. system merely checks on whether a user is registered with the centralized system, not whether

the user has previously used a particular one of the multiple kiosks that are coupled to the centralized system. Thus, unlike the system of independent claim 28, a user is not encouraged to repeatedly use the same service front (for example, the Nardozi et al. kiosk). Accordingly, independent claim 28 is patentable for this additional reason. Thus, claim 28 and its dependent claims are patentable over Fredlund et al. and Nardozi et al.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC:brp

Date: PROPOSED

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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